

VIA FACSIMILE AUGUST 10, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Ebner, et al.

Attorney Docket No.: PF403D2

Application Serial No.: 10/733,646-Conf# 9581

Filed: December 12, 2003

Publication No.: 2004-0122215-A1

Published: June 24, 2004

Examiner: R. Mitra

Art Unit: 1653

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**USPTO-PG PUBS****AUG 10 2004**

Title: Human Ependymin

**REQUEST FOR CORRECTED PUBLICATION UNDER 37 C.F.R. § 1.221(b)**  
**DUE TO MATERIAL OFFICE MISTAKE****Box PGPUB**Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants respectfully request a corrected publication of the above-listed application pursuant to 37 C.F.R. § 1.221(b) due to a material mistake made by the Office. In particular, claim 18 of the publication contains a material error, in that the claim recites "a polypeptide comprising amino acid residues from about Pro-S to about Val-16 in SEQ ID NO:2" rather than "a polypeptide comprising amino acid residues from about Pro-8 to about Val-16 in SEQ ID NO:2" (emphasis added). The above mistake is apparent from the Office records, as the application as filed contains the correct claim 18 in its entirety.

Moreover, the above mistake is material, as the scope of claim 18 cannot be determined from the publication. Thus, this error affects the scope of provisional rights accorded Applicants under 35 U.S.C. § 154(d) based on the instant publication.

Additionally, the mistake in the claims undermines the strength of the publication as a prior art reference, since a U.S. Patent Application Publication must claim the same

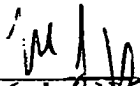
invention in order to prevent others from submitting an Affidavit or Declaration of Prior Invention under 37 C.F.R. § 1.131.

Accordingly, Applicants respectfully request that a corrected publication of the above-listed application be made pursuant to 37 C.F.R. § 1.221(b).

No fee is believed due for this submission. In the event that a fee is required in connection with this submission, please charge the required fee to Deposit Account No. 08-3425.

Respectfully submitted,

Dated: August 10, 2004

  
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Mark J. Hyman (Reg. No. 46,789)  
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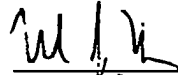
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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

1. Fax Cover Sheet
2. Request for Corrected Publication Under 37 C.F.R. § 1.221(b) due to Material Office Mistake

I hereby certify that the above-listed correspondence is being facsimile transmitted to the United States Patent and Trademark Office on August 10, 2004.



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FROM: Mark J. Hyman (Reg. No. 46,789)

RE: Application of: Ebner et al.  
Application No. 10/733,646-Conf. #9581  
Publication No.: 2004-0122215-A1  
Title: Human Ependymin

Atty. Docket No. PF403D2  
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**COMMENTS:**

Please see the attached Request for Corrected Publication Under 37 C.F.R. § 1.221(b) due to Material Office Mistake and Certificate of Transmission Under 37 C.F.R. § 1.8.

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